

**9327. Adulteration of frozen cherries. U. S. v. F. G. Lamb & Co. Plea of guilty. Fine, \$45. (F. D. C. No. 16506. Sample No. 9525-H.)**

**INFORMATION FILED:** November 28, 1945, District of Oregon, against F. G. Lamb, a partnership, Freewater, Oreg.

**ALLEGED SHIPMENT:** On or about December 26, 1944, from the State of Oregon into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** April 2, 1946. A plea of guilty having been entered, the defendant was fined \$45.

**9328. Misbranding of frozen apples. U. S. v. 1,076 Cans of Frozen Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18999. Sample Nos. 3568-H, 3569-H.)**

**LIBEL FILED:** January 21, 1946, District of Maryland.

**ALLEGED SHIPMENT:** On or about October 24 and 30, 1945, by the Ranson Evaporating Co., from Ranson, W. Va.

**PRODUCT:** 500 20-pound cans and 576 19-pound cans of frozen apples at Hagerstown, Md.

**NATURE OF CHARGE:** Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and the label failed to contain an accurate statement of the quantity of the contents; Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient; and, Section 403 (k), the product contained a chemical preservative, sulfur dioxide, and it failed to bear labeling stating that fact.

**DISPOSITION:** February 26, 1946. Otto W. Cuyler, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

**9329. Misbranding of frozen apple slices. U. S. v. 1,180 Cans of Frozen Apple Slices. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18977. Sample Nos. 3168-H, 3169-H.)**

**LIBEL FILED:** January 14, 1946, District of Columbia.

**ALLEGED SHIPMENT:** On or about November 3, 1945, by R. D. Pringle and Co., from Ogden, Utah.

**PRODUCT:** 1,180 cans of frozen apple slices at Washington, D. C. Examination showed that the product contained a chemical preservative, sulfur dioxide.

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (k), it contained a chemical preservative, and it failed to bear labeling stating that fact.

**DISPOSITION:** January 30, 1946. R. D. Pringle and Co., Modesto, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### JELLY AND PRESERVES

**9330. Adulteration and misbranding of jelly. U. S. v. Clyde M. Hesmer, Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 16565. Sample Nos. 68470-F, 68471-F, 13538-H to 13540-H, incl.)**

**INFORMATION FILED:** December 29, 1945, Southern District of Indiana, against Clyde M. Hesmer, Inc., Evansville, Ind.

**ALLEGED SHIPMENT:** On or about July 6, 1944, and January 31 and February 7, 1945, from the State of Indiana into the State of Kentucky.

**LABEL, IN PART:** "Hesmer's Raspberry [or "Grape"] Jelly," "Hesmer's Grape-Pectin Jelly," or "Hesmer's Blackberry-Pectin Jelly."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, raspberry juice, grape juice, or blackberry juice, had been in part omitted from the products; and, Section 402 (b) (2), articles deficient in raspberry, grape, or blackberry juice had been substituted in whole or in part for raspberry, grape, and blackberry jellies, for which definitions and standards of identity have been prescribed by the regulations.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for raspberry, grape, and blackberry jellies since they were made from mixtures composed of less than 45 parts by weight of the raspberry, grape, and blackberry juice ingredients, respectively, to each 55 parts by weight of one of the optional saccharine ingredients specified in the definition and standard.

DISPOSITION: March 14, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250.

**9331. Adulteration and misbranding of raspberry preserves. U. S. v. 80 Dozen Jars, 22 Dozen Jars, and 12 Cases of Raspberry Preserve. Default decrees of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. Nos. 13117, 13405. Sample Nos. 81831-F, 81844-F.)

**LIBELS FILED:** On or about August 2 and 30, 1944, District of Connecticut; amended libels filed subsequently.

**ALLEGED SHIPMENT:** On or about May 24 and July 1, 1944, by the Rosen Products, Inc., from Brooklyn, N. Y.

**PRODUCT:** 80 dozen 1-pound jars and 22 dozen 2-pound jars of raspberry preserve at New Britain, Conn., and 12 cases, each containing 24 1-pound jars, of raspberry preserves at Bridgeport, Conn.

**LABEL, IN PART:** "Fruitcrest Pure Raspberry Preserve Packed for Fruitcrest Co., Brooklyn, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, red raspberries, had been in whole or in part omitted from the product; Section 402 (b) (2), a mixture consisting of black raspberry pomace, a saccharine ingredient, red raspberries or red raspberry pomace, and (in a portion) phosphoric acid or acid phosphate had been substituted for pure raspberry preserve, a food for which a definition and standard of identity has been prescribed by the regulations; Section 402 (b) (3), inferiority had been concealed by the addition of black raspberry pomace and (in a portion) phosphoric acid or acid phosphate; and, Section 402 (b) (4), black raspberry pomace and (in a portion) phosphoric acid or acid phosphate had been added to the article, or mixed or packed with it, so as to make it appear to be raspberry preserve, which is better or of greater value than was the product.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for raspberry preserve since it was made from a mixture composed of less than 45 parts by weight of mature, properly prepared red raspberries to each 55 parts by weight of one, or a mixture, of the saccharine ingredients specified in the definition and standard, and since it contained black raspberry pomace and (in a portion) phosphoric acid or acid phosphate, which ingredients are not permitted as optional ingredients of raspberry preserve.

DISPOSITION: May 3, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions, conditioned that the labels be removed.

**9332. Adulteration and misbranding of youngberry preserves. U. S. v. 83 Cases of Youngberry Preserves. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 18989. Sample No. 32298-H.)

**LIBEL FILED:** January 22, 1946, District of Arizona.

**ALLEGED SHIPMENT:** On or about December 5, 1945, by the Pacific Coast Packing Co., from San Diego, Calif.

**PRODUCT:** 83 cases, each containing 24 1-pound jars, of youngberry preserves at Phoenix, Ariz.

**LABEL, IN PART:** "Imperial Brand Pure Youngberry Preserves."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 68 percent of soluble solids had been substituted in whole or in part for youngberry preserves.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed by the regulations since it had not been concentrated by heat to such point that the soluble solids content of the finished preserves was not less than 68 percent.

DISPOSITION: March 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.